IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8741 OF 2004

Sudarshan Krida Va Samaj Sevi
Sanstha & Anr. .. Petitioner

Versus

Additional Chief Executive
Officer and Anr. .. Respondents

Mr.G.M.Savagave for petitioner
Mr.Nitin Jamdar for respondent No.1
Mr.C.R.Sonawane, A.G.P. for State.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.
DATE : 14TH DECEMBER 2004.

P.C.

. Heard Advocates.

2. The grievance in this case is that petitioner No.1, a voluntary institution, for promoting Education amongst backward classes, was granted recognition to administer and manage a hostel meant for backward classes. However, it is withdrawn without prior notice and without giving petitioner an opportunity of putting forward their case.

3. It appears that the authorities proceeded to withdraw recognition to the hostel on the ground that it is closed. The English translation of the order withdrawing the recognition is annexed as Exh.B. That order efers to several communications including a report of inspection carried out of the hostel in question.

4. With the assistance of the learned Counsel appearing for parties, we have perused the orders granting approval to the hostels for the period of 2002-03 to 2006-07. Name of petitioner’s institution appears at serial No.10 therein. Several conditions have been laid down on which approval has been granted. From a

perusal of the same, it is clear that a prior opportunity in case the Hostel is not functioning satisfactorily is not ruled out. On the other hand, order granting approval contemplates several steps and measures which have to be initiated before the extreme step of wihdrawal of recognition. In the facts and circumstances of the present case, the order withdrawing recognition without prior notice and opportunity as well as without assigning any reasons cannot be sustained.

5. The impugned order is, therefore, quashed and set aside. The concerned authority (Additional Chief Executive Officer, Z.P. Solapur) is directed to furnish a copy of the inspection report dated 21st July 2004 and the resolution passed by the Social Welfare Committee in pursuance thereof to the petitioner and after giving them an opportunity of personal hearing, pass appropriate orders afresh in accordance with law. Needless to observe that the authorities shall not be influenced in any manner by the impugned order. The authority is directed to pass fresh order within a period of three months

from today. Petition is disposed of accordingly.

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